

The Floodplain Permitting Process from First Contact To Post-Project Compliance

Sean O'Callaghan,
CFM, Gallatin
County Floodplain
Administrator



Process Summary

- First Contact
- Information Gathering
- Submittal of Application
- Review and Conditional Approval of Application
- Post-Project Compliance

First Contact

- Landowner-Initiated
- Agency Referral
- Complaint
- Confirmed Violation
- Emergency

**Mayor says bridge to complete
trail system will go in July**

How about this picture on the front
page of the newspaper?



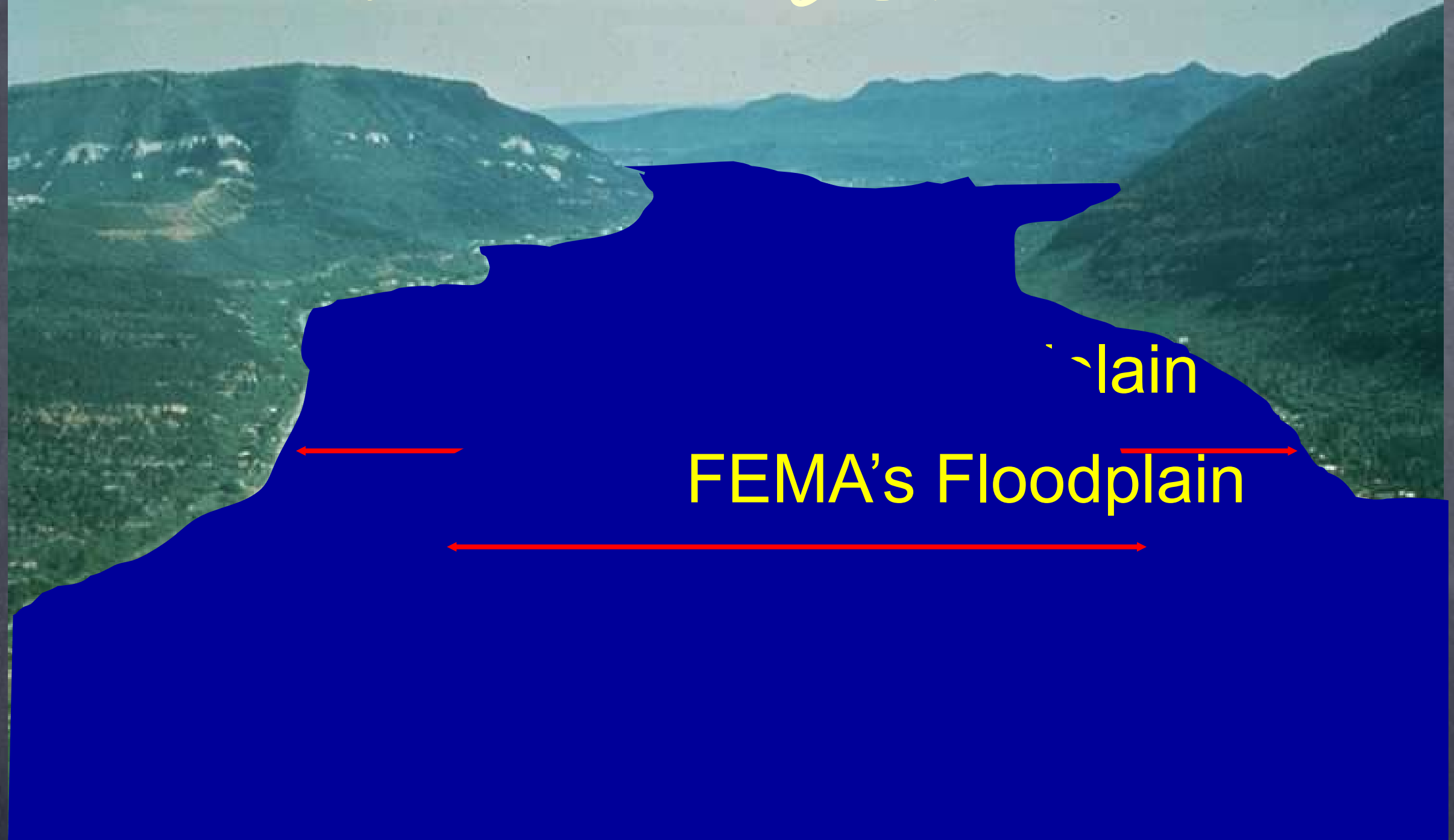
First Contact

- My primary goal at this stage is education.
- Get a general understanding of what the landowner is trying to accomplish.
- Let landowner know that there is a permitting process they need to go through.
- Explain the point of the permitting process and the importance of the NFIP Program to your community.

Making Sure that All Parties Understand which Floodplain You're Talking about



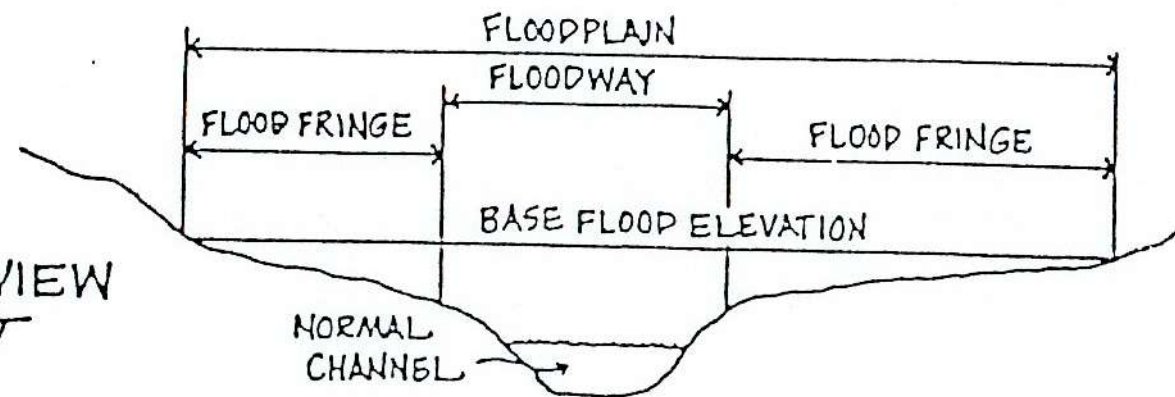
Nature vs. FEMA



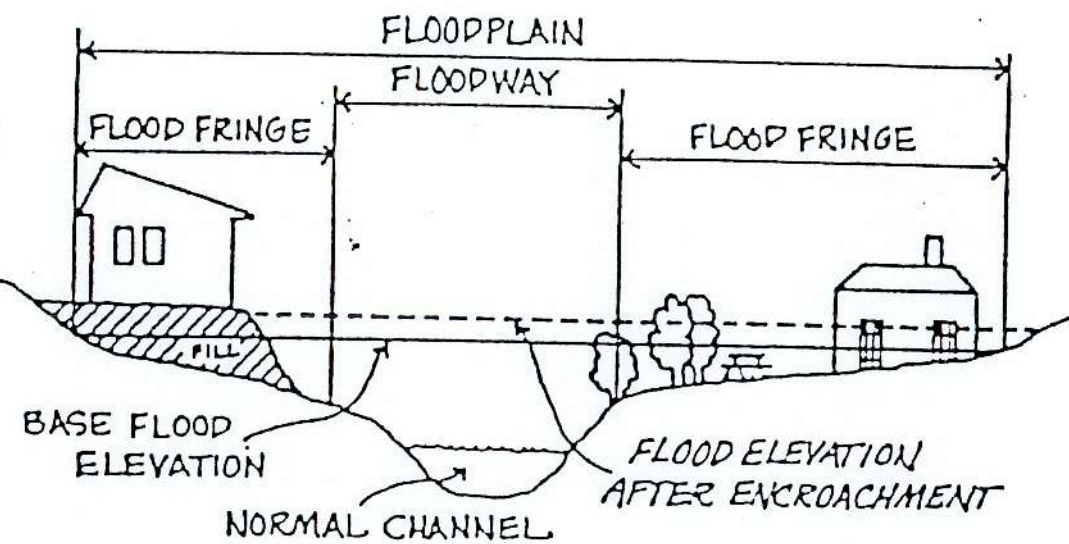
100-year floodplain is a FEMA creation. It is an estimate. Water frequently flows over this floodplain during events <100 year events.

100-YEAR FLOODPLAIN

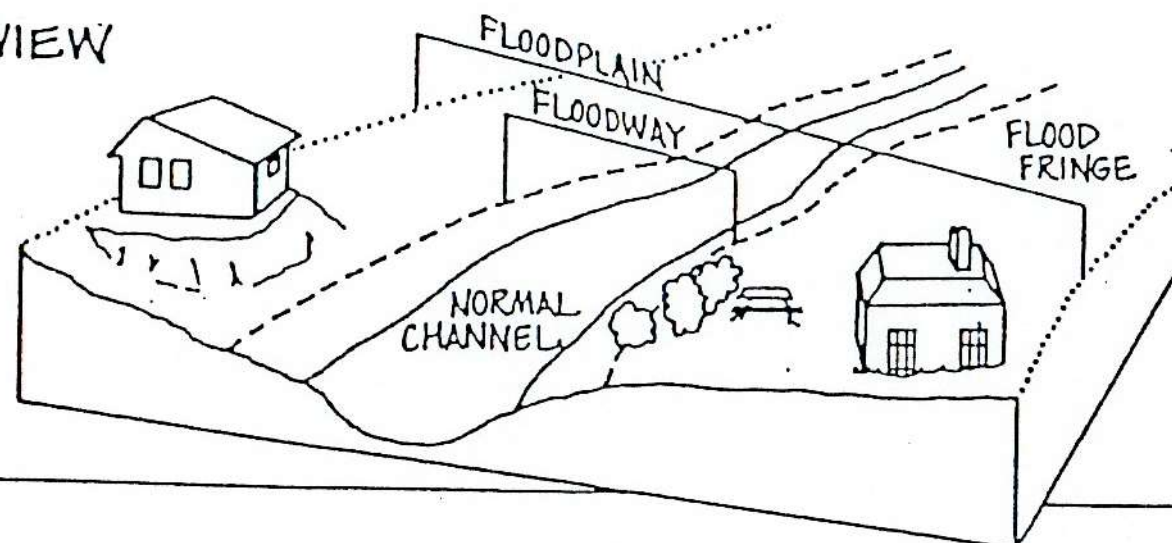
CROSS-SECTIONAL VIEW
NO DEVELOPMENT



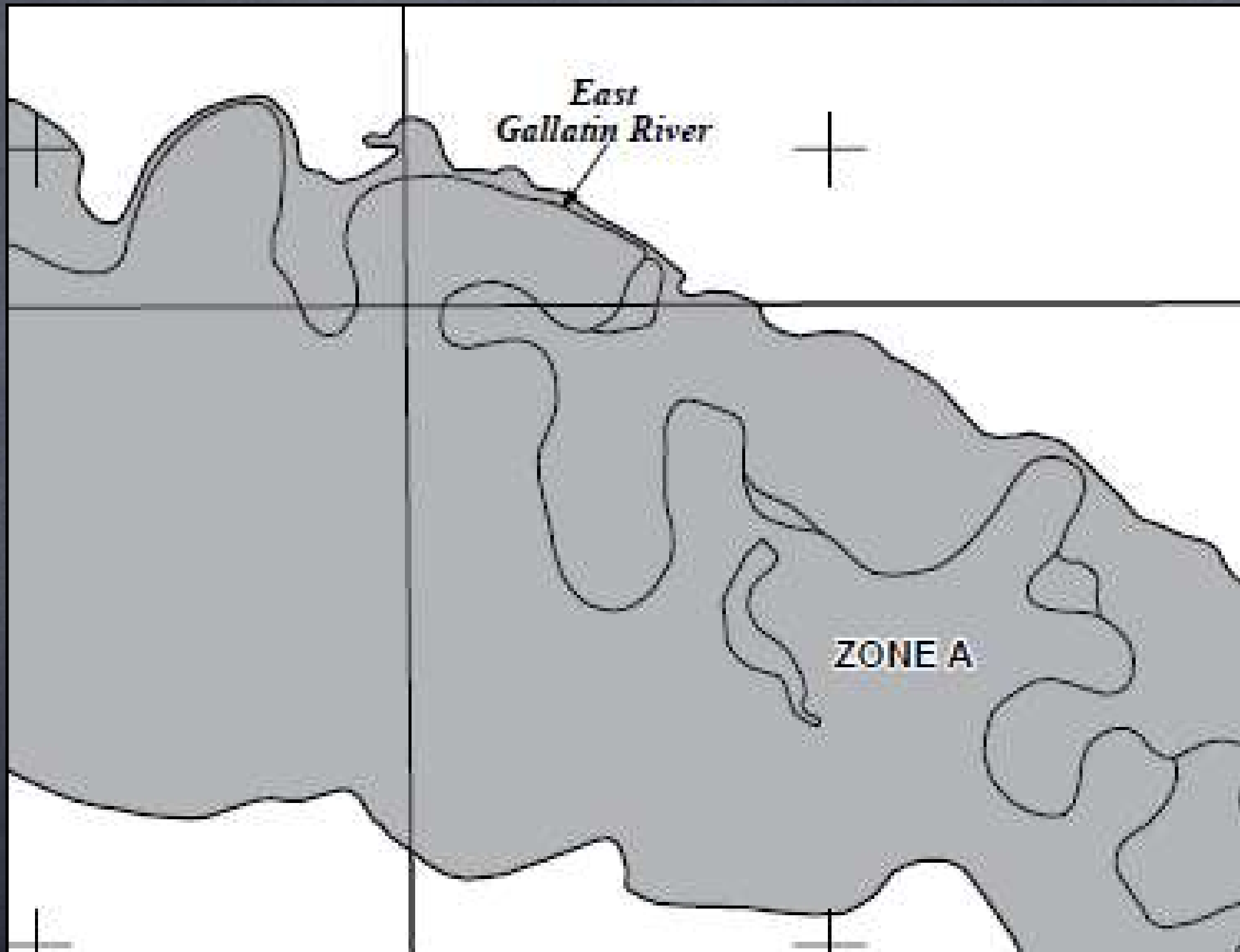
CROSS-SECTIONAL VIEW
WITH EXISTING &
NEW DEVELOPMENT



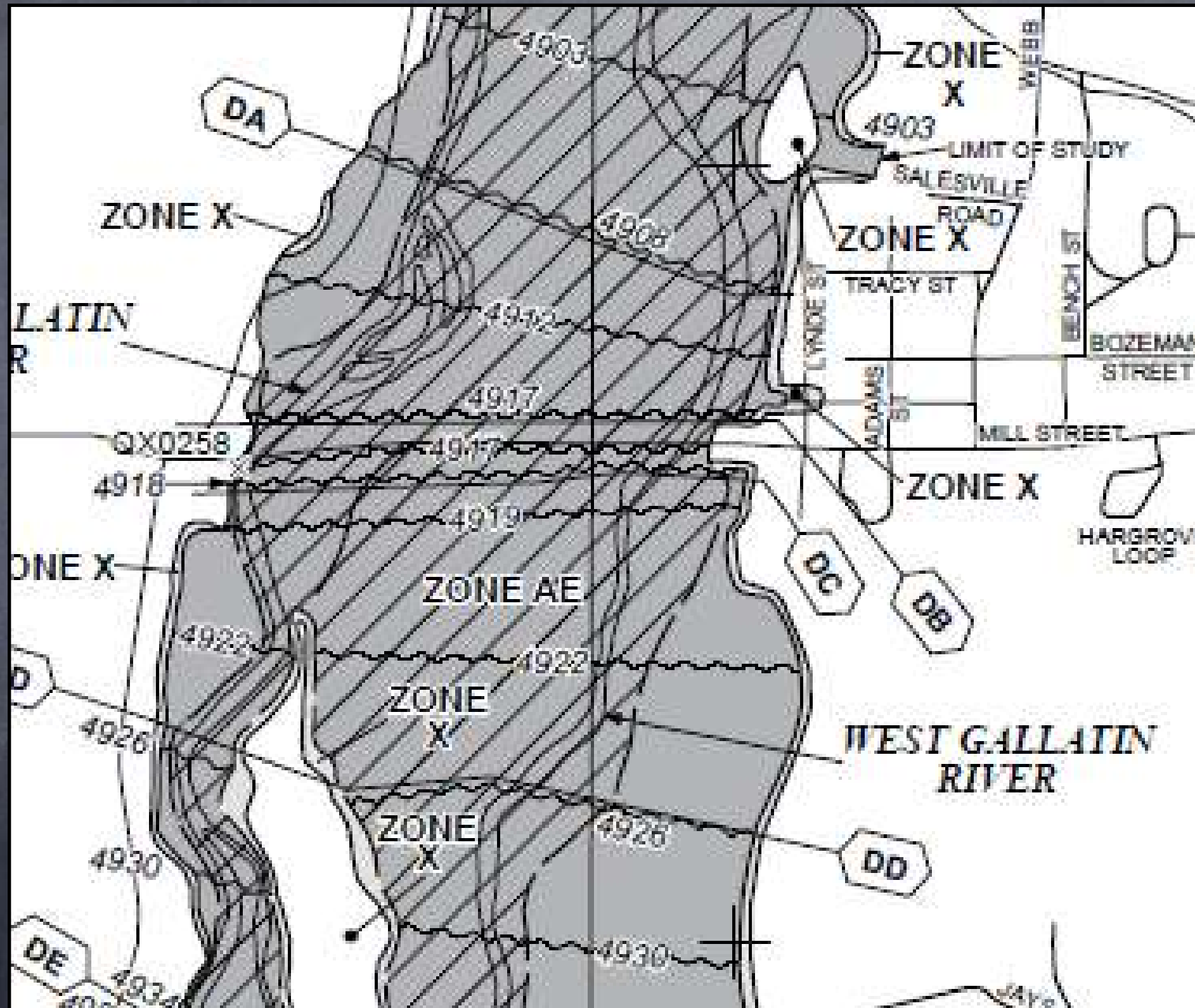
PERSPECTIVE VIEW



Approximate Study



Detailed Study



FEMA maps are used
as a guide, but

“...the exact location of the floodplain
boundary shall be determined where the base
flood elevation intersects the natural ground.”



Examples of activities needing a floodplain development permit

- Construction of new structures
- Modifications to existing structures
- Excavation
- Filling
- Paving
- Bank Stabilization
- Drilling
- Driving of piles
- Mining
- Dredging
- Land clearing
- Grading
- Permanent storage of materials/equipment

Flood Risk Stats

30-Year Mortgage

- There is a 5% chance of a home fire.
- For a house located within the Regulatory Floodplain (Special Flood Hazard Area), there is a 26% chance that it will be inundated by a 100 year (1% chance) flood during the life of a 30-year mortgage.

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Information Gathering

- What is the nature of the project?
- What are the project components? (i.e. house vs. house with bridge and pond)
- What portions of your floodplain ordinance are applicable?
- What other factors might come into play?
- What information do I need to process the application?
- Do I need technical assistance from DNRRC?

Site Visit

- Do you need to do a site visit? Yes!
- Can you perform the site visit at information gathering stage or should you wait until after permit application is formally submitted to do the site visit?
- Can you coordinate site visit with other applicable agencies?
- Make a list of questions / concerns you have about the project that you hope to clarify through the site visit.



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Submittal of Application

- Does the application appear to be complete, inclusive of supporting documentation?
- Has the application fee been paid?
- Determine whether or not technical assistance from DNRC will be required.
- Don't forget about public notice / public comment requirements.

What is detailed supporting documentation?

- Completed Joint Application Form and supplementary materials
- Site plan showing relevant information
- Topographic information & cross sections
- Hydraulic Model
- Elevation Certificate
- Certification from P.E.
- Applicable standards from ordinance

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Review of Application

- Verify it is a permissible use
- Verify the proposed use meets objective standards
- Evaluate "Other Factors and Considerations"
- Address public comments
- Issue written decision

Examples of Objective Standards

- “Lowest Floor” elevation 2-feet above BFE
- Wet or dry floodproofing requirements
- No new structures in floodway
- No-rise in floodway
- Encroachment in floodway fringe limited to 6-inches (unless lesser amount specified in FLS)

“Other Factors and Considerations” Evaluation Criteria

- the danger to life and property due to increased flood heights, increased flood water velocities or alterations in the pattern of flood flow caused by encroachments;
- the danger that materials may be swept onto other lands or downstream to the injury of others;
- the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
- the susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;

“Other Factors and Considerations” Evaluation Criteria

- the importance of the services provided by the facility to the community;
- the requirement of the facility for a water-front location;
- the availability of alternative locations not subject to flooding for the proposed use;
- the compatibility of the proposed use with existing development and anticipated development in the foreseeable future;
- the safety of access to property in times of flooding for ordinary and emergency services; and,

Ice Jam



Precipitation Coinciding with Peak Runoff



Debris Jam



Channel Migration

W. Gallatin, June 1986



Erosion



Accessibility Issues



What Hazards Here?



Written Approval

- Include relevant regulatory information
- Address public comments
- Justification of decision
- Appeal process of aggrieved parties
- Conditions of approval
- Post-project requirements

Conditions of Approval

- Tie approval to scope and extent of approved plans (date of submittal if there were various iterations)
- Time period of approval
- Limitations on when work can be done
- Specific standards from regulations (i.e. minimum elevation)
- Disposal of spoils/excess materials outside of floodplain
- Post-project requirements

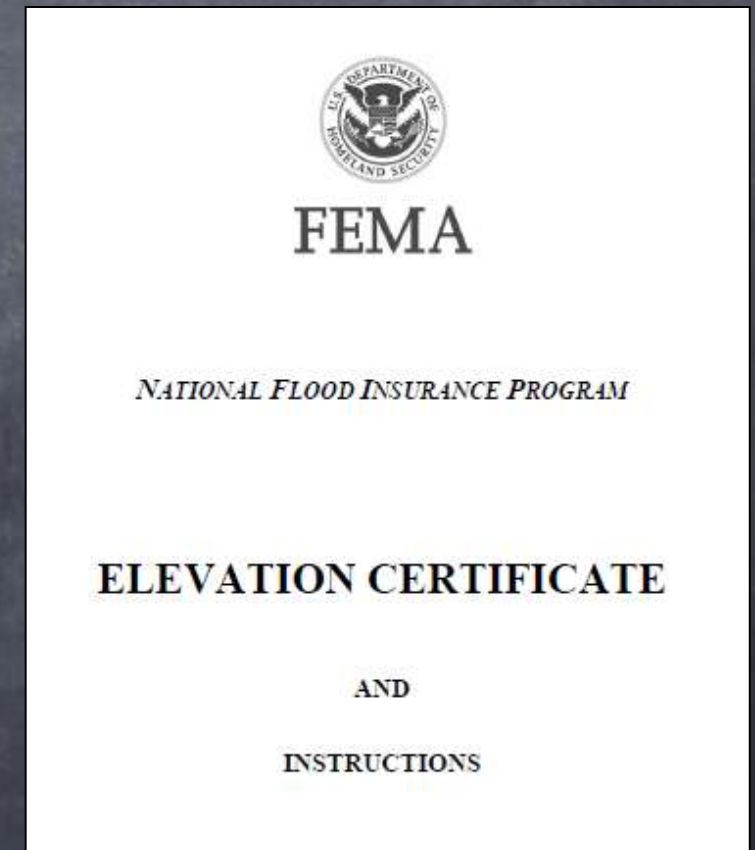
State Rules require a disclosure provision...

A disclosure provision requiring all property owners with property in a designated floodplain or floodway, or their agents, to notify potential buyers that such property is located within the designated floodplain or floodway and is subject to regulation

ARM. 36.15.204(2)(g)

Post Project Requirements

- Notification of FPA within 30-days of completion of project
- Certification that project complied with conditions of approval
- Photographic documentation
- FEMA Elevation Certificate - as built
- As-built hydraulic model
- Post project site visit.



Questions?



Contact Information

Sean O'Callaghan, CFM
Floodplain Administrator

Gallatin County Planning
Department
311 W. Main, #108
Bozeman, MT 59715

(406) 582-3130

sean.ocallaghan@gallatin.mt.gov